

elements with a column and line citation from the Le Carpentier or Liechti et al. references. The Examiner did not make any effort to demonstrate how the cited passage allegedly corresponds to the claim language, and in most instances there is virtually no resemblance whatsoever between the reference passage cited by the Examiner and the claim language of the present application. Simply providing such citations with further explanation is not a proper basis for substantiating a rejection under 35 U.S.C. §103(a) and therefore, as a generalized response, Applicant respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness for any of claims 1-32.

Turning more specifically to the content of the claims, independent claim 1 of the present application, as a first step, requires that new service data be offered at a data center for future use at terminal equipment. The terminal equipment then formulate a request for the new service data, and a first communication is established between the terminal equipment and the data center, wherein the request data are transmitted from the terminal equipment to the data center.

The Examiner has characterized column 2, lines 17-24 in the Le Carpentier reference as teaching a method for dependably transmitting service data from a data center to remotely located terminal equipment, including the step of offering new service data at the data center for future use at the terminal equipment. This passage, however, is merely a generalized statement regarding "control" of a plurality of franking machines from a central station, and says nothing whatsoever regarding new service data. In fact, virtually the entirety of the Le Carpentier reference is directed to *interrogating* the franking machines by a local station that is in turn in communication with the central station. Obviously such interrogation

involves an interrogation request *from* the local station *to* the franking machine, followed by transmission of stored data *from* the franking machine *to* the local station. Only in column 9 of the Le Carpentier reference is any mention whatsoever made of data transmission in the opposite direction, i.e., *from* the local station (or the central station) *to* the franking machine. This, however, involves initialization of the franking machine which, as is known to those of ordinary skill in the art, involves the so-called "commissioning" of the franking machine whereby all of the data necessary for an initial start-up of the franking machine are transmitted. Obviously, prior to this time, the franking machine is not in use, and cannot be in use, and therefore such initialization cannot involve any transmission of any sort in the opposite direction, in the form of a request or otherwise.

The Examiner cited language at column 4, lines 49-53 as allegedly teaching "forming a request for new service data at the terminal equipment." This passage in the Le Carpentier reference, however, does not refer to communication between the franking machine and the local station (or the central station) but refers to an exchange of data between the franking head and the base 7 of the franking machine. This communication routine is necessary because the base 7 must be able to "recognize" that a particular franking head is in place and therefore a type of "handshake" routine must be executed each time the franking machine is turned on. If the base 7 recognizes that a changed franking head is in place, operation of the franking machine is temporarily inhibited until it can be assured that the new franking head is authorized. In any event, this exchange does not involve any sort of request, and particularly does not involve a request for new service data; it is merely an exchange of existing information.

The Examiner also cited the language at column 4, lines 49-63 in the Le Carpentier reference as allegedly teaching the other sub-steps of the first communication, however, as noted above it is clear that this passage is referring to a data exchange between the base 7 and the franking head, and does not involve the data center or the local station whatsoever.

The Examiner then cited language at column 5, lines 1-15 of the Le Carpentier reference as allegedly teaching establishment of a second communication between the terminal equipment and the data center. This communication is, in fact, a communication between the base 7 and the local station, however, since the aforementioned data exchange took place between the base 7 and the franking head, this is not a "second communication between the terminal equipment and the data center" but is in fact only the first such communication. Moreover, the claim language requires that the terminal equipment form a message referring to the new service data and communicate this message from the terminal equipment to the data center. The passage cited by the Examiner proceeds precisely oppositely, because it is initiated by a request from the local station, which results in a response from the base in the form of a message. Moreover, although this message that is sent from the base to the local station is encrypted, there is no teaching whatsoever in the passage cited by the Examiner that the encryption has anything to do with, or is in any way based on, the request from the local station. The claim language, by contrast, requires that the message sent from the terminal equipment to the data center refer to the new service data stored at the terminal equipment. Moreover, as noted above the only information transmitted from the terminal equipment in response to such a request consists of compiled usage data,

identified by an identification number, relating to usage of the terminal equipment. The transmitted information has nothing to do with "new service data."

The Examiner also cited this passage at column 5, lines 1-15 as teaching the transmission of a follow-up message from the data center to the terminal equipment, however, Applicant and his counsel are unable to find any statement whatsoever in this passage remotely resembling a teaching to transmit a follow-up message from the data center to the terminal equipment after the terminal equipment has transmitted data to the data center (or local station) in response to the aforementioned request from the local station.

The Examiner also cited this language as teaching that the follow-up message is an "OK message" allowing the terminal equipment to be switched to an operating mode, however, Applicant and his counsel are unable to find any teaching whatsoever that the data exchange described at column 5, lines 1-15 of the Le Carpentier reference has anything whatsoever to do with switching the terminal equipment to an operating mode. In fact, it appears that the terminal equipment already is, and must be, in an operating mode in order to even participate in the data exchange described at column 5, lines 1-15 of Le Carpentier.

In view of the procedure adopted by the Examiner of providing line and column citations following a recitation of the language of the claims in question, it appears that the Examiner relied solely on the Le Carpentier reference as a basis for rejecting independent claim 1, and did not rely on any teachings of the Liechti et al. reference with regard to claim 1. For the reasons noted above, Applicant submits that claim 1 would not have been obvious to a person of ordinary skill in the art

based on the teachings of Le Carpentier and in fact, in many respects as noted above, the Le Carpentier reference teaches away from the subject matter of claim 1.

As to the Liechti et al. reference, which was relied upon as a basis for rejecting certain of the claims depending from claim 1, this reference does, in fact, describe communications between a postage meter and a data center, however, the Examiner did not provide any proposals or indications as to why or how the Examiner believes the teachings of Liechti et al. could be used to modify the procedures described in the Le Carpentier reference. As noted above, many of the data exchanges in the Le Carpentier reference cited by the Examiner do not proceed between the terminal equipment and the local station or the data center, but are in fact data exchanges which take place between the base and franking head at the franking machine. Since the Liechti et al. reference does not describe base/franking head data exchanges in any manner whatsoever, and deals exclusively with data exchanges between a postage meter and a data center, Applicant is unable to determine why or how the Examiner believes the Liechti et al. teachings could or would be used by a person of ordinary skill in the art to modify the various different types of data exchanges disclosed in the Le Carpentier reference.

Therefore, Applicant respectfully submits that even if the Le Carpentier reference were modified in accordance with the teachings of Liechti et al., the subject matter of claims 2-11, depending from independent claim 1, still would not result. None of claims 1-11, therefore, would have been obvious to a person of ordinary skill in the art based on the teachings of Le Carpentier and Liechti et al.

Independent claim 17 and claims 18-27 depending therefrom are apparatus claims which track method claims 1-11. All of the arguments set forth above with

regard to claims 1-11, therefore, apply equally to claims 17-27, and claims 17-27 are submitted to be patentable over the teachings of Le Carpentier and Liechti et al.

As to independent method claim 12, that claim includes the initial step of transmitting unencrypted service data from a data center to terminal equipment. Again the Examiner cited the language at column 5, lines 1-15 as allegedly teaching such a step, in addition to the step of generating a code at the terminal equipment based on the transmitted service data. As noted above, the passage at column 5, lines 1-15 in the Le Carpentier reference refers only to a request being transmitted from the local station to the base 7, in response to which encrypted information is transmitted from the base to the local station. There is nothing in this passage regarding the transmission of service data from a data center to the terminal equipment. Moreover, as noted above although the information transmitted from the base to the local station is encoded or encrypted, there is no teaching in the passage cited by the Examiner that the encryption is anyway based on the initial request from the local station to the base 7.

Moreover, although the language at column 5, lines 30-33 of the Le Carpentier reference refers to undertaking a parity check of the message that was transmitted from the base 7, it is well-known to those of ordinary skill in the art that a parity check is only for the purpose of determining the internal integrity or correctness of the message which has been transmitted. In other words, a parity check only confirms that the received message is, in fact, the message which was intended to be transmitted. Since, as noted above, the information transmitted from the base 7 to the local station is not in any way dependent on or based on the original request transmitted from the local station to the base 7, the parity check

taught in the Le Carpentier reference does not and cannot have any capability of verifying the correctness of the originally transmitted request. In the subject matter of claim 12, by contrast, the code that is generated at the terminal equipment is based on the transmitted service data. Therefore, when this code is transmitted back from the terminal equipment to the data center and the code is checked at the data center, this serves as a verification at the data center of the correct transmittal of the original unencrypted service data. In other words, the check undertaken at the data center does not merely verify a correct (i.e. uncorrupted) transmission of data from the terminal equipment to the data center, but also, since the code is generated dependent on the originally transmitted service data, the check undertaken at the data center simultaneously verifies that this original transmission ensued correctly (i.e., without corruption). No such procedure is disclosed or suggested in the Le Carpentier reference.

Again, since the Examiner cited only passages from the Le Carpentier reference with respect to the language of claim 12, it appears that the Examiner relied only on the Le Carpentier reference as a basis for rejecting claim 12 under 35 U.S.C. §103(a). For the reasons discussed above, Applicant respectfully submits that this rejection is not proper. The claims depending from claim 12 add further steps to the novel and non-obvious combination of claim 12, and are therefore patentable over the teachings of Le Carpentier, even if augmented by the teachings of Liechti et al.

Apparatus claims 28-32 generally track method claims 12-16 and therefore the arguments in support of patentability set forth above with regard to claims 12 and

16 apply equally to claims 28-32. Claims 28-32 therefore are submitted to be allowable over the teachings of Le Carpentier and Liechti et al.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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